

REMARKS

Applicant traverses the rejections and amends claim 1. No new matter has been added.

Amended independent claim 1 is directed to an adjustable bed mattress. The adjustable bed mattress includes, among other things, a pivoting member attached to an exterior portion of a mattress. The mattress is configured to pivot about an axis. The pivoting member is configured as a tubular sleeve, extending outwardly from a major surface of the mattress and having a first opening and a second opening, both openings being normal to the axis. The pivoting member is further configured to receive an attachment bar along the axis and through the first and second openings, for attachment to an adjustable bed frame.

Husler, Schutz, and Rude fail to disclose this subject matter. Specifically, these references fail to disclose a mattress configured to pivot about an axis, where the axis is normal to both openings of a tubular sleeve.

Husler describes a device with a mattress, a lath grid, and two springy beams 5 within sheaths 51. Sheaths 51 are oriented longitudinally with respect to the device, and are perpendicular to laths 2 that provide stability in the transverse direction, perpendicular to the longitudinal direction. Husler does not disclose that sheaths 51 each have a first opening and a second opening, as explicitly recited in claim 1. Moreover, even if Husler's sheaths 51 did have two openings, one at each end of a sheath (which Applicant does not concede), Husler's mattress would not be configured to pivot about an axis normal to both openings in the sheath (e.g., about a longitudinal axis), and in fact would be prevented from doing so by the laths 2 that provide transverse stability. Hence, Husler fails to disclose each and every element in claim 1.

Schutz also fails to disclose the subject matter of claim 1. Schutz discloses a baby dressing table pad configured to fold onto itself about a transverse axis at junction 18. The pad includes straps 34, 35, and 42, used for securing the pad to a dressing table 23 (straps 34, 35) and for securing an infant to the pad (strap 42). However, the straps, when used to secure the pad to the table or to the infant, only form openings that are not normal, but rather parallel to the transverse fold axis of the pad. Hence, Schutz fails to disclose a mattress configured to pivot about an axis normal to the openings in the tubular sleeve of a pivoting member.

Rude also fails to disclose the subject matter of claim 1. Rude does not disclose that the alleged "fabric loops or grommets" are "adapted to receive an attachment bar," as explicitly recited in claim 1. Instead, the loops of Rude are provided so that a user may shift and rearrange the contents of the mattress by drawing or releasing the cord E (Rude, p. 1, lines 98-100). Rude does not disclose, explicitly or implicitly, that its loops are for attaching to anything. Hence, Rude fails to disclose a pivoting member adapted to receive an attachment bar.

Warner and Sklar were cited by the Action as allegedly showing other limitations of Applicant's claims, and do not cure the deficiencies of Husler, Schutz, or Rude with regards to the rejections.

As for dependent claims 6, 9, and 52-59, because the obviousness of the independent claims has not been established, such claims are patentable. Accordingly, Applicant requests reconsideration and withdrawal of the rejections of claims 1, 6, 9, and 52-59.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P01-081 from which the undersigned is authorized to draw.

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Respectfully submitted,

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